

## REMARKS/ARGUMENTS

The Office Action of February 4, 2004 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 11, 13, and 15 have been amended.

Claims 1, 11, 13, and 15 have been amended to clarify that a demander provides information on desired material and desired processing for constructing elements constituting a commodity. No new matter is added by this amendment.

Claims 9, 11, 13 and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by (newly cited) Yamamoto et al. (U.S. Patent No. 5,854,746). Yamamoto relates to a computer system which orders raw materials necessary for the production of final products (retail goods). More specifically, the system can carry out:

1. \*estimating total sales quantity of a final product which is assured to be sold up to a given time when the product becomes obsolete and thus no longer marketed. The estimate may be based on the number of units which have been shipped from the start of the sales, the launching time of a competitive product, etc.;

- \*determining production quantity of the product by calculating the difference between the estimated total sales quantity and quantity of the product which have already been manufactured (i.e., shipment quantity + inventory quantity);

2. \*planning daily production quantity of the product to be manufactured for each day to fulfill the production quantity determined in step 1 and at the same time, calculating the change in quantities of raw materials required for the production of the product for each day;

- \*ordering the raw materials when a shortage occurs on a given day (the time until the raw materials are delivered after placing an order is set as "standard lead time" for each of the raw materials);

3. \*referring to the change in overall quantities of the raw materials including the ordered (supplemented) quantities calculated in step 2, moving up the schedule for the production of the final product if possible, while postponing the schedule of the production of the final product if a given raw material cannot be delivered on time.

In sum, the system can offer and carry out a mass production plan of final products (retail goods) by considering the lead time for raw materials.

Difference between the instant claims and Yamamoto et al.

Yamamoto does not teach or suggest a system which allows the demander who wishes to purchase a final product to select both the desired material and the desired processing of the material (which is received by the system as information on the desired material and processing.) (That is, the purchaser in Yamamoto has no input whatsoever in the material and processing.) Yamamoto further does not teach or suggest a system that can calculate and output a general delivery date of the final product made from the selected material with the selected processing, based on information received for the desired material and processing, and information received regarding material and processing.

Rather, the Yamamoto system utilizes predetermined materials or processing to produce the final product, instead of choosing the material or processing according to the demander's needs. Such systems described by Yamamoto are used for mass-production of products such as cosmetics or the like. It thus can take no more than one day to manufacture the products as long as the necessary materials are available.

Furthermore, in Yamamoto, the production of products does not start upon receipt of an order from the demander. Instead, in Yamamoto the demanded quantity of the products is estimated beforehand and then the production of the products starts before onset of the actual demand. This is in contrast to the systems of instant claims wherein the production of products begins upon receipt of order from the demander.

On pages 3-4, the Office Action alleges that Yamamoto discloses "outputting general date of delivery of a commodity" by referring to the description in col. 12 - col. 19. However, all of the terms appearing in the description (e.g. "delivery date" in col. 12, line 6, "standard lead times" in col. 15, line 61 and "scheduled delivery day" in col. 19, line 66) merely refer to date of delivery of raw materials, not date of delivery of final product (commodity). In Yamamoto, there is no opportunity (or necessity) for calculating and outputting delivery time of the final product (as indicated in a display of the demander's computer) for the reason described above.

Yamamoto discloses a system which makes it possible to obtain sufficient raw materials on schedule for manufacturing the required quantity of the final product. In contrast, the claimed system provides customized products according to the demander's needs, and delivery date of the products is flexible.

Yamamoto does not teach each and every element of the instant claims and cannot anticipate the instant claims. Withdrawal of this rejection is requested.

Claims 10, 12, 14, and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. in view of the "Earth-friendly good" article.

Yamamoto does not teach or suggest the system of the instant claims for the reasons identified above.

The "Earth-friendly good" article does not remedy the defects of Yamamoto. Although the article describes using thinned-out wood to make, for example, furniture, the article does not describe any system to allow information on desired wood material, desired production place, and desired processing from an end user to be matched with wood available from thinned-out woods, production places, and available processing.

The article is unrelated to the system of Yamamoto and there is simply no reason one skilled in the art would have substituted thinned-out wood for the products described in Yamamoto. However, even if the raw material of Yamamoto was thinned out wood, Yamamoto does not teach or suggest a system based on the demander's need. Instead it is directed to using predetermined raw materials to make final products which will then be pushed into commerce. There is no demander in the Yamamoto system as required by the instant claims. Withdrawal of the instant rejection is requested.

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### CONCLUSION

In view of the above amendments and remarks, withdrawal of the rejection and issuance of a Notice of Allowance is requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:



Susan A. Wolffe

Registration No. 33,568

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001